

### **REMARKS**

The issues outstanding in the Office Action mailed September 16, 2009, are the rejections under 35 U.S.C. 102 and 103. The Examiner is thanked for indicating withdrawal of all prior rejections and objections.

The foregoing amendment places the features of claim 10, the use of a compatibilizer for the insulating liquid base and the polysiloxane, in claim 1. Inasmuch as claim 10 has already been examined, it is submitted that this claim amendment should be entered. Claims 10 and 17, which formerly recited the compatibilizing agent generically, have been amended in order to recite species of compatibilizers, as disclosed at pages 11 and 12 of the specification.

Accordingly, the only rejection which is relevant subsequent to the present amendment is that in paragraph 11 at page 8 of the office action, applied against claims 10, 17 and 18. These claims were rejected under 35 U.S.C. 103 over Pause '773 taken with Buckingham '129. Reconsideration of this rejection is respectfully requested.

Pause discloses silicone rubber materials containing finely divided phase change materials, and a process for their production. See column 1, lines 18-21. Pause discloses a method for thermal insulation of cables or thermal protection of technical products employing a silicone rubber matrix containing the finely divided phase change materials, emulsified or dispersed in a cross-linked silicone rubber structure. See column 3, lines 16-28. The silicone rubber matrix is formed by mixing the phase change material in a liquid silicone rubber having a cross-linking agent (e.g. a hydrogen-functional polysiloxane) and a catalyst. As admitted at page 8 of the office action, Pause fails to teach the use of a compatibilizing agent. However, the office action argues that the use of a compatibilizing agent to homogenize a mixture of components that are immiscible with each other is well known, and thus, the action concludes, it would be obvious to use a compatibilizing agent in a gelable composition such as that of Pause. Applicants respectfully disagree with this analysis.

Pause does not teach the need for a compatibilizing agent, inasmuch as the *crystalline* alkyl hydrocarbon phase change materials employed therein are taught to be stable, do not flow out of the silicon rubber structure in liquid stage and are first melted. See columns 3 and 4 of the

patent.

Buckingham fails to teach the need for a compatibilizer in a material such as that of Pause, inasmuch as Buckingham is directed to an entirely different art area, and employs different components. Buckingham, directed to cosmetic and hair care preparations, employs a silicone fluid and silicone immiscible organic substances which are not phase change materials. For example, the Applicants teach organic oils or other “personal care ingredients.” See paragraph [0049]. Moreover, the compatibilizer component (C) taught in Buckingham is the siloxane-based polyamide itself, which disclosure thus does not suggest using such resin in the materials of Pause where a siloxane is already present (as a cross-linking agent). In addition, Buckingham also accordingly does not suggest the present claims in which the polysiloxane resin does not function as a compatibilizer for the phase change material, but instead the present compatibilizer compatibilizes the polysiloxane resin and the phase change material itself.

As a result, it is submitted that this combination of references fails to suggest the present claim 1. In addition, it is submitted that the particular compatibilizers recited in claims 17 and 18, vinyl compounds, and octadec-1-ene and allylbenzene, are not suggested by the Buckingham disclosure, which discloses, e.g., polysiloxanes as compatilizers. Indeed, the Buckingham disclosure of hair-care products is so far afield from either the primary reference or the present claims, that it is simply irrelevant. It is therefore respectfully submitted that the combination of references fails to suggest the present claims, and withdrawal of the rejection under 35 U.S.C. 103 is respectfully requested.

The claims of the application are submitted to be in condition for allowance. However, should the Examiner have any questions or comments, she is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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